

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)
) Case No. 1:23-CR-00099
) (LJV) (JJM)
)
) Plaintiff,)
)
)
 vs.) January 9th, 2024
)
)
 MICHAEL RONCONE (4),)
)
 FRANK KNIGHT (5),)
)
 CORTNIE BARBER (7),)
)
)
 Defendants.)

**TRANSCRIPT OF ARRAIGNMENT
BEFORE THE HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE**

APPEARANCES:

For the Plaintiff: TRINI E. ROSS
UNITED STATES ATTORNEY
BY: CASEY CHALBECK, ESQ.
NICHOLAS COOPER, ESQ.
JOSEPH TRIPI, ESQ.
ASSISTANT UNITED STATES ATTORNEYS
138 Delaware Avenue
Buffalo, NY 14202

For the Defendant: LAW OFFICE OF PAUL G. DELL
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70 Niagara Street
Buffalo, NY 14202

For the Defendant: CLAIR A. MONTROY, III, ESQ.
KNIGHT 97 Lake Street
Hamburg, NY 14075

For the Defendant: FEDERAL PUBLIC DEFENDER'S OFFICE
BARBER BY: BRIAN COMERFORD, ESQ.
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Audio Recorder: ERIC GLYNN

1 APPEARANCES CONTINUED:

2 Transcriber: MEGAN E. PELKA, RPR
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5 Proceedings recorded with electronic sound recording,
6 transcript prepared with computer-aided transcription.

1 THE CLERK: We're on the record in criminal
2 proceeding 23-CR-99. United States of America vs.
3 Michael Roncone, Frank Knight, Cortnie Barber, for
4 arraignment.

5 Present in the courtroom are Assistant US Attorneys
6 Nicholas Cooper, Joseph Tripi, and Casey Chalbeck; Defendant
7 Roncone with attorney Paul Dell; Defendant Knight by video
8 with Attorney Clair Montroy; Defendant Barber with Assistant
9 Federal Public Defender Brian Comerford; United States
10 Probation Officer, Brian Mamizuka. The Honorable
11 Jeremiah J. McCarthy is presiding.

12 THE COURT: Good afternoon again, everyone.

13 MS. CHALBECK: Good afternoon again.

14 THE COURT: Mr. Roncone, sir, where are you, sir?
15 Good afternoon. Mr. Knight, you are by video; is that
16 correct, sir? Can you see and hear me? Mr. Knight? Is the
17 audio on?

18 THE CLERK: It was working before, Judge.

19 Sir, are you able to see and hear us? I'll call the
20 marshals again. We just fixed this.

21 THE COURT: All right. Ms. Barber?

22 MR. COMERFORD: Right here, Judge.

23 THE COURT: Okay. Thank you. Is it working now?

24 All right. I'll proceed with Mr. Roncone and Ms. Barber
25 first. Mr. Roncone and Ms. Barber, you are both named in a

1 second superseding indictment dated January 5th, 2024. Have
2 each of you received a copy of that document? You have,
3 Mr. Knight? Okay. Ms. Barber, have you?

4 DEFENDANT BARBER: Yes.

5 THE COURT: Okay. Who is going to speak on behalf of
6 the government?

7 MS. CHALBECK: I will, Your Honor.

8 THE COURT: Ms. Chalbeck, would you briefly summarize
9 the charges and potential penalties as they relate to these
10 two defendants?

11 MS. CHALBECK: Yes, Your Honor. May I approach the
12 podium?

13 THE COURT: If you wish, yes.

14 MS. CHALBECK: Your Honor, I'll start with the
15 charges as it relates to Mr. Roncone.

16 THE COURT: Yes. Okay. Wait a second. Mr. Knight,
17 can you hear me now? Mr. Knight, can you hear me now?
18 Mr. Knight, can you hear me, sir? All right. I'm sorry. Go
19 ahead.

20 MS. CHALBECK: Thank you, Your Honor. So, as I said,
21 I'll start with the charges that relate to Mr. Roncone first.

22 THE COURT: Right.

23 MS. CHALBECK: Mr. Roncone is charged in Count 1 of
24 the second superseding indictment with a violation to 18 USC
25 371. That's a conspiracy to obstruct justice charge. That

1 offense carries a --

2 THE COURT: Just a second.

3 MS. CHALBECK: I am sorry.

4 (An off-the-record discussion was held.)

5 THE COURT: Okay. We'll bring him in in here
6 afterwards, okay? All right. I -- apologies for this mix up,
7 but we'll proceed right now with Mr. Knight and Ms. -- excuse
8 me, Mr. Roncone and Ms. Barber. We'll bring Mr. Knight in in
9 a few moments after we're completed on these. Go ahead.

10 MS. CHALBECK: So, as I was saying, Mr. Roncone is
11 charged in Count 1 of the superseding indictment with a
12 violation of 18 USC 371. That is a conspiracy to obstruct
13 justice offense. That offense carries a five-year maximum
14 penalty. A five-year maximum term of imprisonment as the
15 penalty.

16 He is further charged in Count 25 of the second
17 superseding indictment. That is an offense under 18 USC
18 922(g)(3), for being an unlawful user in possession of a
19 firearm and ammunition. That offense carries a 15-year
20 maximum penalty.

21 Finally, he is charged with Count 26 of the second
22 superseding indictment. That's an offense of 18 USC
23 1001(a)(2) for making a false statement. That offense carries
24 a five-year maximum term of imprisonment.

25 THE COURT: Okay. Are there any mandatory minimum

1 charges on any of those counts?

2 MS. CHALBECK: No, Your Honor.

3 THE COURT: All right. Thank you. And how about
4 Ms. Barber?

5 MS. CHALBECK: With regards to Ms. Barber, she is
6 charged in Counts 6, 11, and 12 of the second superseding
7 indictment. Count 6 charges an offense under 21 USC,
8 Section 846. That's a narcotics conspiracy charge. There is
9 a 20-year maximum term of imprisonment there.

10 Count 11 charges Ms. Barber with kidnapping under 18 USC
11 Section 1201(a)(1) and 18 USC 2. There is a maximum penalty
12 of life imprisonment under that charge. Likewise, on Count
13 12, Ms. Barber is charged with 18 USC 1201(a)(1), another
14 kidnapping charge, with a maximum penalty of life
15 imprisonment.

16 THE COURT: Okay. Thank you. Are there any
17 mandatory minimums on those charges?

18 MS. CHALBECK: No, Your Honor.

19 THE COURT: Thank you. Mr. Knight and -- excuse me,
20 again. Mr. Roncone and Ms. Barber, you are, at the present
21 time, legally presumed innocent of these charges. You have
22 the right to remain silent. You cannot be compelled to
23 testify against yourselves, but anything that you do say may
24 be used against you. You have the right to be represented by
25 an attorney at all stages of this proceeding, and if you

1 cannot afford an attorney, one will be appointed for you.

2 Mr. Roncone, you already have Mr. Dell. Are you --

3 MR. DELL: I am retained, Your Honor.

4 THE COURT: You are retained. Okay. And are you
5 fully retained with respect to the second superseding
6 indictment?

7 MR. DELL: Yes, Your Honor.

8 THE COURT: And do you waive a formal reading of that
9 indictment?

10 MR. DELL: Correct, and enter a plea of not guilty to
11 each count.

12 THE COURT: Thank you. Ms. Barber, it's my
13 understanding that you are asking for appointment of counsel;
14 is that correct?

15 DEFENDANT BARBER: (Inaudible).

16 THE COURT: I didn't hear you.

17 DEFENDANT BARBER: Yes.

18 THE COURT: Okay. Would you raise your right hand,
19 please?

20 (The defendant was sworn.)

21 THE COURT: I have before me a financial affidavit
22 dated today's date. Is that your signature on the affidavit?

23 DEFENDANT BARBER: Yes.

24 THE COURT: Is the information complete and accurate?

25 DEFENDANT BARBER: Yes.

1 THE COURT: And that indicates that you are not
2 currently employed other than public assistance of \$300 per
3 month. You have no other income and no property; is that
4 correct, ma'am?

5 DEFENDANT BARBER: Yes.

6 THE COURT: And, based on your statements, I find
7 that you are eligible for appointment of counsel.

8 Mr. Comerford, I understand your office has a
9 conflict; is that correct?

10 MR. COMERFORD: That is correct, Judge.

11 THE COURT: But I am going to ask that you represent
12 Ms. Barber for today's proceedings, and then we'll have
13 counsel appointed to represent her going forward. Do you
14 waive the second -- the formal reading of the second
15 superseding indictment?

16 MR. COMERFORD: Yes, Judge.

17 THE COURT: And how does she plead?

18 MR. COMERFORD: Not guilty.

19 THE COURT: Okay. Thank you.

20 Ms. Chalbeck, what is the government's position on
21 detention or release as to these two defendants?

22 MS. CHALBECK: The government would move to detain
23 both defendants, Your Honor.

24 THE COURT: On what basis?

25 MS. CHALBECK: For Mr. Roncone, the basis would be

1 under 18 USC 3142(f)(1)(A). Pursuant to *United States v.*
2 *Watkins*, which is a 2019 Second Circuit opinion, 922(g)
3 violations constitute a crime of violence for the purposes of
4 the Bail Reform Act.

5 We would further move for detention under 18 USC
6 3142(f)(1)(E), which provides that any felony that is not
7 otherwise a crime of violence that involves the possession or
8 use of a firearm or destructive device or any other dangerous
9 weapons is another basis for detention.

10 Moreover, we would move for detention under 18 USC
11 3142(f)(2)(A), on the proposition that Mr. Roncone presents a
12 serious risk of flight. And finally, we would move for
13 detention under 18 USC 3142(f)(2)(B) on account that he
14 presents a serious risk of obstructing justice.

15 With regards to Ms. Barber, we would move for detention
16 under 18 USC 3142(f)(1)(C) because she's charged with a Title
17 21 offense with a maximum penalty of 10 years or more in
18 prison, and that is the only basis. I would add, though, that
19 there is a presumption that applies under 3142(e)(3)(a) for
20 Ms. Barber's offense.

21 THE COURT: Okay. Now, Mr. Roncone had been subject
22 to prior charges, and I understand he had been released on
23 conditions; is that correct?

24 MS. CHALBECK: I apologize, Your Honor, for that. I
25 was just hearing a comment from my colleague. Could I

1 please --

2 THE COURT: Yes. According to the Pretrial Services
3 report I have on Mr. Roncone, he was previously released on
4 conditions in another case, correct?

5 MS. CHALBECK: That's correct, Your Honor. And I
6 can -- if the Court is going to have a detention hearing in
7 this matter today, I can, you know, give the Court some
8 procedural background as to how Mr. Roncone has ended up in
9 this particular posture if you would like.

10 THE COURT: Well, it's my understanding that the
11 second superseding indictment contains additional charges
12 against him beyond what was previously charged, correct?

13 MS. CHALBECK: That's correct, Your Honor.

14 THE COURT: So, on that basis then, I will hold
15 another detention hearing as to him.

16 Mr. Dell, when do you wish to hold that?

17 MR. DELL: I would note, Your Honor, that the two
18 detention hearings in front of Judge Schroeder and
19 Judge Wolford stand about six or seven hours. And I would say
20 about 98 percent of it, of the proffer, contained these new
21 allegations as opposed to the allegations that he was charged
22 with. So there's -- in my -- it's my position that there's
23 nothing new. I'd like a detention hearing right now.

24 MS. CHALBECK: We could do that, Your Honor.

25 THE COURT: All right. Well, let me -- before we do

1 that, let me go back and address Ms. Barber. You are also
2 moving for detention as to her, correct?

3 MS. CHALBECK: Yes, Your Honor. If I could just
4 correct the record briefly. I -- we would also move for
5 detention under 3142(f)(2)(a) on account that Ms. Barber
6 presents a flight risk, and also under 3142(f)(2)(e) on
7 account that she presents a serious risk of obstructing
8 justice. And earlier in my allocution, I just omitted those
9 bases for detention, Your Honor.

10 THE COURT: All right. Well, I have a bail report on
11 her dated today's date. And, based on that, I don't feel that
12 I can go forward as to her with respect to a full detention
13 hearing, particularly because she's going to need new counsel.
14 So, I'll set a hearing date for her, perhaps two days later.
15 So, what's today, the 9th? Eric, do we have time on the 11th
16 we can get counsel appointed and then --

17 THE CLERK: Yes, Judge. Could do 11 o'clock on
18 Thursday.

19 THE COURT: Okay. She'll be detained pending that
20 time. And in the interim, we'll get counsel appointed. And,
21 as to anybody that I have to appoint counsel for, I would ask
22 the government to provide us with a conflict list so we're not
23 spinning our wheels, okay?

24 MS. CHALBECK: Absolutely, Your Honor.

25 THE COURT: All right. Now, back to Mr. Roncone. I

1 did not, obviously, participate in those other hearings. I
2 don't know what went on or what was proffered or what was
3 decided, but all I do note is that there are new charges
4 pending now that were not the subject, at least, of formal
5 charges before him on a prior case. So, I am willing to go
6 forward today, but I am at a bit of a disadvantage.

7 MR. COOPER: Judge, could we have just a moment
8 before we weigh in on that?

9 THE COURT: Yeah.

10 MR. COOPER: Just a second.

11 MS. CHALBECK: Your Honor, we could proceed today.
12 However, if Your Honor would like the transcripts and exhibits
13 that we proffered in the prior detention hearings, we would be
14 more than happy to supply the Court with that in the next 24
15 hours.

16 THE COURT: Yeah. Mr. Dell, I understand your
17 position, and perhaps your frustration, but I am just not in a
18 position to address this today. I can set it for later
19 tomorrow, or I can set it for Thursday, but I do want to see
20 what went on.

21 MR. DELL: That's exactly my point, Your Honor. I
22 just -- my question is, is there anything new beside the
23 government saying, well, he's indicted now? Because I'm being
24 serious. There were six hours of hearings. I would say 5
25 hours and 50 minutes of it had to do with these new charges.

1 THE COURT: Is that right?

2 MS. CHALBECK: Your Honor, the -- pursuant to or
3 consistent with the 3142(g) factors, the government proffered
4 extensively about the defendant's characteristics and, like,
5 history of dangerousness. And so, yes. The proffer
6 encompassed uncharged conduct, some of which is relevant to
7 the second superseding indictment today. However, I would
8 proffer before you now as you consider a continuance that the
9 government has additional information not proffered in either
10 of the two prior detention hearings that it would proffer
11 before this Court.

12 THE COURT: He was released on December 18th? I'm
13 looking at my bail report. It says he was released on
14 December 18th, so I don't know.

15 MS. CHALBECK: I think it was either the 18th or the
16 21st, Your Honor.

17 THE COURT: Okay. So, in any event, there's
18 basically two weeks that he's been out on release, right?

19 MS. CHALBECK: That's correct.

20 THE COURT: All right. Here's what I am going to do.
21 I am going to release him today on those conditions, but I
22 will hold a hearing. I will give the government an
23 opportunity -- once I have the transcript of what occurred
24 before, and can consider the government's proffer on this, I
25 may revisit that. But, for now, I'll release him on the

1 previously imposed set of conditions --

2 MR. DELL: Thank you.

3 THE COURT: -- with which I understand he has been
4 compliant.

5 MR. DELL: Thank you.

6 MS. CHALBECK: I'm sorry, Your Honor. To -- but just
7 to make a record, I would note that the Bail Reform Act
8 instructs expressly that where the Court continues a detention
9 hearing, the defendant will be detained during that period of
10 continuance.

11 THE COURT: What section?

12 MS. CHALBECK: So, under 3142(f)(2)(E), if I am
13 reading the statute correctly. It instructs during a
14 continuance, such person shall be detained.

15 THE COURT: 3142(f)(2)(B)?

16 MS. CHALBECK: (f)(2)(E). Another alternative, Your
17 Honor, if I may?

18 THE COURT: Yes.

19 MS. CHALBECK: The government could withdraw its
20 detention motion and remove for detention tomorrow to
21 effectuate that 24-hour period, but I just want to make sure
22 that our record is sound before we proceed.

23 THE COURT: All right. Mr. Dell, if I am going to
24 release him, it would be on condition that the government have
25 the opportunity to renew its motion. So, when can you be

1 available for another detention hearing?

2 MR. DELL: I could do tomorrow afternoon. I am -- I
3 will be going out of town on Wednesday for one week.

4 THE COURT: Tomorrow is Wednesday.

5 MR. DELL: I mean, tomorrow is my last day in town
6 until the following Wednesday.

7 THE COURT: Okay. So, let's do it tomorrow, but can
8 you get me the transcript and everything? All right. So,
9 Eric, what time do we have tomorrow? Yeah. Can we do
10 4 o'clock tomorrow?

11 MR. DELL: Yes.

12 MS. CHALBECK: Yes, Your Honor.

13 THE COURT: Okay. So, you'll reserve your right.
14 You can re-move tomorrow. I am releasing him today on the
15 previously-imposed set of conditions. Tomorrow, at 4 o'clock,
16 you can renew your motion. You will provide me, in the
17 interim, with the record of all proceedings that took place in
18 the other case relative to his detention or release, and then
19 everybody reserves their rights, okay?

20 MR. DELL: Yes. Thank you.

21 THE COURT: Okay.

22 MS. CHALBECK: Your Honor, I'm sorry to interrupt
23 again. Can I just make one further clarification for the
24 record?

25 THE COURT: Yes.

1 MS. CHALBECK: I believe that Probation services
2 provided a bail report. I think counsel has that. The
3 conditions of Mr. Roncone's release on that report are -- do
4 not include all of the conditions of release on -- articulated
5 in Chief Judge Wolford's order. So, if it's all right with
6 Your Honor, could you just please instruct the defendant to
7 comply with the Judge's order and not necessarily the
8 conditions outlined in the bail report?

9 THE COURT: I presume you were a party to what.
10 Whatever Judge --

11 MR. DELL: Yes.

12 THE COURT: Whatever Chief Judge Wolford ordered, he
13 has to comply with.

14 MR. DELL: Absolutely.

15 THE COURT: Okay. All right. Okay. So, you needed
16 to leave, didn't you? We'll set a -- I'm not going to set a
17 scheduling order today until we get everybody -- so, let me
18 know --

19 MR. DELL: I'll be here about 3:45 tomorrow.

20 THE COURT: Okay. So, you and Mr. Roncone are free
21 to leave today.

22 MR. DELL: Thank you.

23 THE COURT: You'll be back here tomorrow, though. If
24 you are not, things will not go well. All right. Now, as to
25 Ms. Barber, Eric, you said there's a problem?

1 THE CLERK: Yes, Judge. I'm sorry. I apologize.
2 I'm having some calendar issues. That would have to be later
3 in the day as well, possibly 3 o'clock on Thursday.

4 THE COURT: What time?

5 THE CLERK: Three o'clock.

6 THE COURT: Okay. Can we do that? Brian, I should
7 ask, are you available as well?

8 P.O. MAMIZUKA: Judge, I apologize. Was that with
9 respect to the detention hearing?

10 THE COURT: Yeah, on Ms. Barber, on Thursday.

11 P.O. MAMIZUKA: Thursday at 3 p.m.?

12 THE COURT: Yeah.

13 P.O. MAMIZUKA: Yes, Judge.

14 THE COURT: Okay. Counsel, let me ask, I understand
15 that there may be some issues with available counsel because
16 of the number of conflicts or are we going to be okay? She
17 needs to get somebody to represent her.

18 MR. TRIPI: Yes, Judge. We'll get you an -- I think
19 an abridged list. I don't think all of the conflicts on the
20 larger case would necessarily apply with full force and effect
21 to Ms. Barber.

22 THE COURT: Okay.

23 MR. TRIPI: So, we'll get you something after court
24 today.

25 THE COURT: Okay. Okay. Fine. Then, Ms. Barber

1 will be detained pending that hearing. I should have read --
2 and I will now read -- before Mr. Roncone left -- I'm going to
3 read a brief statement and follow it up with a written order.

4 I hereby direct the government to comply with its
5 obligations under *Brady vs. Maryland* and its progeny to
6 disclose to the defendants all information, whether admissible
7 or not, that is favorable to the defendants, material either
8 to guilt or to punishment and known to the government.

9 The possible consequences of non-compliance may include
10 dismissal of individual charges or of the entire case, the
11 exclusion of evidence and professional discipline or court
12 sanctions on the attorneys responsible. I'll be entering a
13 written order confirming these obligations and I direct the
14 government to review and comply with that order.

15 Ms. Chalbeck, can you confirm that the government
16 understands its obligations and will fulfill them?

17 MS. CHALBECK: Yes, Your Honor.

18 THE COURT: Okay. Thank you. So, Speedy Trial Act,
19 given that motions are pending, at least as to Ms. Barber,
20 time is excluded for now between today and Thursday, January
21 11th from the Speedy Trial Act calendar, and that relates both
22 to Mr. Roncone and Ms. Barber. Okay?

23 With that, I think you can all leave the courtroom because
24 we'll bring Mr. Knight -- well, not you, but we'll bring
25 Mr. Knight in, and he had a medical issue.

1 (A brief recess was held from 3:36 to 3:47 p.m.)

2 THE CLERK: Back on the record in criminal proceeding
3 23-CR-99. Present in the courtroom is defendant Frank Knight
4 with attorney Clair Montroy. The Honorable
5 Jeremiah J. McCarthy presiding.

6 THE COURT: Good afternoon, Mr. Knight. I apologize
7 for the logistical problems. We thought that you would be
8 able to hear me and, apparently, you couldn't. So, all right.
9 You are named in a second superseding indictment dated
10 January 5th, 2024. Have you received a copy of that document,
11 sir?

12 DEFENDANT KNIGHT: Yes. Now, Your Honor, I have.

13 THE COURT: All right. Counsel, you want to share it
14 with him for a moment? Okay. Ms. Chalbeck, would you briefly
15 summarize the charges of the second superseding indictment as
16 they relate to Mr. Knight, along with the potential penalties?

17 MS. CHALBECK: Yes, Your Honor. Mr. Knight is
18 charged in Count 1 of the second superseding indictment. That
19 is an offense under 18, United States Code, Section 371. It's
20 a conspiracy to obstruction of justice charge. There is a
21 five-year maximum term of imprisonment associated with the
22 count.

23 Mr. Knight is also charged in Count 5 under 18,
24 United States Code, 1001(a)(2). That's a false statements
25 charge that carries a five-year term -- maximum term of

1 imprisonment. And, finally, Mr. Knight is charged in Count
2 23. That, too, is a false statements charge under 18, United
3 States Code 1001(a)(2), which carries a five-year maximum term
4 of imprisonment.

5 THE COURT: Okay. Are there any mandatory minimum
6 charges as to any of these charges against Mr. Knight?

7 MS. CHALBECK: No, Your Honor.

8 THE COURT: Thank you. Sir, you are legally presumed
9 innocent of these charges at the present time. You have the
10 right to remain silent. You cannot be compelled to testify
11 against yourself, but anything that you do say may be used
12 against you. You have the right to be represented by an
13 attorney, and if you cannot afford an attorney, one will be
14 appointed for you.

15 Mr. Montroy, are you retained to represent
16 Mr. Knight?

17 MR. MONTROY: I am partially retained, Your Honor.

18 THE COURT: When do you expect to know whether you
19 are fully retained?

20 MR. MONTROY: I haven't had much of an opportunity to
21 talk to my client. After we leave here today, I'll talk to
22 him at the end of this session.

23 THE COURT: Okay. Mr. Knight, do you agree that
24 Mr. Montroy can represent you for today's purposes, although
25 he has not been fully retained yet?

1 DEFENDANT KNIGHT: Yes, sir.

2 THE COURT: Okay. Do you waive the formal reading of
3 the second superseding indictment?

4 MR. MONTROY: Yes, Your Honor.

5 THE COURT: And how does the defendant plead?

6 MR. MONTROY: Not guilty, Your Honor.

7 THE COURT: Thank you. Ms. Chalbeck, what is the
8 government's position on detention or release?

9 MS. CHALBECK: The government would move for
10 detention, Your Honor, under 18 United States Code
11 3142(f)(2)(A) on account that Mr. Knight presents a serious
12 risk of flight and, furthermore, under Section 3142(f)(2)(B)
13 on account that there is a serious risk that he will obstruct
14 justice if released.

15 THE COURT: Okay. Mr. Montroy, Mr. Knight is
16 entitled to a detention hearing. Do you wish to have a
17 hearing?

18 MR. MONTROY: Yes, Your Honor.

19 THE COURT: When would you like to schedule that?

20 MR. MONTROY: Well, I know that probation -- there's
21 a report that's not finished yet, so I think he said they
22 could have it done by tomorrow.

23 THE COURT: Do you want to reconvene tomorrow?

24 MR. MONTROY: No. Tomorrow, I'm not able to.

25 THE COURT: Okay.

1 MR. MONTROY: I can do Thursday afternoon.

2 THE COURT: Okay. Eric, can we do Thursday
3 afternoon? Why don't we put him on both and we'll just take
4 them one after another?

5 MR. MONTROY: Put the other ones on the same day?

6 THE CLERK: There's one at 3 o'clock on Thursday.

7 MR. MONTROY: Okay. We have enough time to finish
8 it?

9 THE COURT: Yeah. We'll get through. Does that work
10 for you?

11 MR. MONTROY: Three o'clock on Thursday?

12 THE COURT: Yes.

13 MR. MONTROY: Sure.

14 THE COURT: Okay. And, counsel for the government,
15 that's good for you?

16 MS. CHALBECK: Yes.

17 THE COURT: And Brian?

18 P.O. MAMIZUKA: Yes, Judge.

19 THE COURT: All right. Since the government's motion
20 for detention remains pending on that basis, time is excluded
21 between today and Thursday, January 11th, from the Speedy
22 Trial Act calendar. I want to read a brief statement for
23 Mr. Knight's benefit, and I'll follow it up with a written
24 order.

25 I hereby direct the government to comply with its

1 obligations under *Brady vs. Maryland* and its progeny to
2 disclose to the defendant all information, whether admissible
3 or not, that is favorable to the defendant, material either to
4 guilt or to punishment and known to the government.

5 Possible consequences of non-compliance may include
6 dismissal of individual charges, or of the entire case, the
7 exclusion of evidence, and professional discipline, or court
8 sanctions on the attorneys responsible. I'll be entering a
9 written order confirming this obligation and I direct the
10 government to review and comply with that order.

11 Ms. Chalbeck, can you confirm that the government
12 understands its obligations and will fulfill them?

13 MS. CHALBECK: Yes, Your Honor.

14 THE COURT: Thank you. Anything further today?

15 MR. MONTROY: No, Your Honor.

16 THE COURT: Okay. Defendant is remanded. Thank you.

17 (Proceedings concluded.)
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CERTIFICATE OF TRANSCRIBER

In accordance with 28, USC, 753(b), I certify that this is a true and correct record of the proceedings held in the United States District Court for the Western District of New York before Honorable Magistrate Judge Jeremiah J. McCarthy, on January 9th, 2024.

s/ Megan E. Pelka, RPR

Megan E. Pelka, RPR

Transcriber